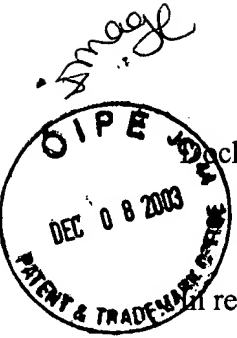


1647



Docket No.: 038586-0305

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

DE ROBERTIS, EDWARD M., et al.

Serial No.: 09/903,188

Group Art Unit: 1647

Filed: July 11, 2001

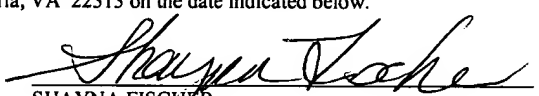
Examiner: David Romeo

For: ENDOTHERM, CARDIAC AND NEURAL INDUCING FACTORS - HUMAN
FRAZZLED (FRZB-1) PROTEIN

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below.

Date: 12/3/03


SHAYNA FISCHER

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

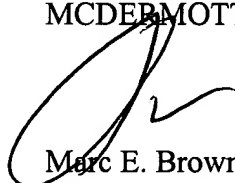
Noting the Office Action of October 28, 2003 wherein restriction has been required, Applicant(s) hereby elect Group I; (Claims 6-8, 12); Species 3 (a polypeptide encoded by SEQ ID NO: 10 or comprising amino acid SEQ ID No. 9) for prosecution in the above-identified application.

The Examiner's attention is drawn to a preliminary Amendment filed in this case on July 11, 2001 (attached). Please note that Claim 6 was amended to elect prosecution only of SEQ ID NO: 10 at this time. Given the Examiner's issued Restriction Requirement, this amendment apparently was not entered. Applicants requests that this Preliminary Amendment be entered for the record.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read 'Marc E. Brown', is written over the firm name.

Marc E. Brown, Registration No. 28,590

2049 Century Park East, 34th Floor
Los Angeles, CA 90067

Telephone: (310) 277-4110 / Facsimile: (310) 277-4730

Date: December 3, 2003



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robertis et al. Examiner: Romeo, D.
Serial No. Not yet assigned Group Art Unit: 1647
Filed: April 21, 2000 Docket No. 510015-258
Title: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS – HUMAN
FRAZZLED (FRZB-1) PROTEIN

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' filing label number: EL585707612US

Date of Deposit: July 11, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: 

Name: Amber Stewart

PRELIMINARY AMENDMENT

BOX: Patent Application
Commissioner for Patents
Washington, D.C. 20231

Sir:

IN THE TITLE

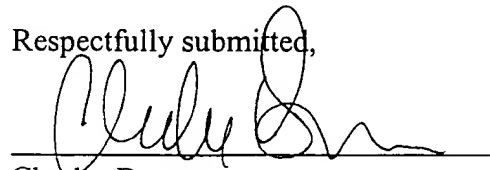
Please amend the title to read "ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS – HUMAN FRAZZLED (FRZB-1) PROTEIN".

IN THE SPECIFICATION

1. The following shows the changes made to the paragraph originally found at page 1, line 14 of the specification:

In view of the above, it is submitted that this application is in good order for allowance, and such early action is respectfully solicited. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

Respectfully submitted,


Charles Berman
Reg. No. 29,249

Date: July 11, 2001

OPPENHEIMER WOLFF & DONNELLY LLP
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Los Angeles, CA 90067-3024
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FAX: (310) 788-5100

ADDENDUM PAGES

VERSION MARKED TO REFLECT CHANGES

I. CHANGES IN THE TITLE

Please amend the title to read “ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS – HUMAN FRAZZLED (FRZB-1) PROTEIN”.

II. CHANGES IN SPECIFICATION

1. The following shows the changes made to the paragraph originally found at page 1, line 14 of the specification:

[This application claims the benefit of U.S. Provisional Application No. 60/020,150, filed June 20, 1996.] This application is a Divisional of Application Serial No. 09/552,988 filed April 21, 2000, which claims the benefit of U.S. Provisional Application No. 60/020,150, filed June 20, 1996.

III. CHANGES IN THE CLAIMS

6. (Amended) A substantially pure protein characterized by a physiologically active form and comprising an amino acid sequence encoded by the DNA of [SEQ ID NO:4, SEQ ID NO:8, or] SEQ ID NO:10.

7. The protein as in claim 6 having neurotrophic, growth or differentiation factor activity.

8. A composition comprising the protein of claim 6 and a physiologically acceptable carrier with which the protein is admixed.

12. A complex comprising a substantially pure frzb-1 protein complexed with at least one Wnt protein.